

# Tobacco Product Regulation: Context and Issues\*



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## I. INTRODUCTION

...The limited federal oversight that has been exerted over tobacco products is not capable of meaningful regulation for health effects.

- PRODUCT SPECIFICATIONS...
  - There are a number of potential opportunities to make tobacco products less dangerous than they presently are. Among the possibilities that the agency should explore include:

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## Product Specifications Cont'd

- using activated charcoal filters on cigarettes to reduce the levels of vapor phase toxins;
- removing additives that contribute to toxicity and addictiveness;
- requiring the use of additives that reduce toxicity and addictiveness;
- setting a ceiling for yields of tobacco-specific nitrosamines;<sup>1</sup>
- reducing or eliminating tobacco-specific nitrosamines from smokeless tobacco products.<sup>2</sup>

– 1/ Commercial cigarettes in Germany and Japan have lower nitrosamine levels than those sold in the United States. See Borgerding et al., *supra* note 49; Djordjevic, *supra* note 49, at 200. Lung cancer rates associated with smoking are lower in Japan than in the United States (including differences in overall smoking burden, differences in genetics, and differences in diet) differences in cigarette design may also be a factor. One company, Star Tobacco and Pharmaceutical, claims to have a process that eliminates nitrosamines from tobacco. Star Tobacco & Pharmaceuticals, Inc., *Star Tobacco & Pharmaceuticals Technology for Removal of TSNA from Tobacco Validated*, Press Release (Mar. 5, 1998).

– 2/ In Sweden, certain processes are used in the manufacturing and distribution of snuffs that significantly lower TSNA levels compared to levels in moist snuff in the United States. See U.S. Dep't of Health & Human Servs., *The Health Consequences of Using Smokeless Tobacco. A Report of the Advisory Committee of the Surgeon General* (NIH Pub. No. 86-2874) (1979). The potential for completely TSNA-free products also should be explored. See Star Tobacco and Pharmaceuticals, Inc., *supra* note 152.